

## 20F.10.50 Nonconformances

### **20F.10.50-010 Purpose.**

The City recognizes that land, structures, and uses of land and structures which do not conform to the Redmond Community Development Guide can become nuisances, can disrupt the orderly development of the City, and can create unsafe, hazardous, and unhealthful conditions. The City also recognizes that the eventual elimination of existing nonconforming uses and structures benefits the health, safety, and welfare of the community. It is the intent of this chapter to establish regulations and procedures which ensure that the elimination of nonconforming uses and structures occurs as expeditiously and as fairly as possible and with justice to property owner(s) and business operator(s).

### **20F.10.50-015 Scope.**

- 1) The requirements and thresholds established within this section apply only to development standards regulated by the Planning Department.
- 2) For requirements and thresholds established by the Department of Public Works, see RCDG [20D.210.20-150](#), Required Off-Site Street Improvements.
- 3) For requirements and thresholds established by the Fire Department, see Chapter 15.06 RMC, Fire Code.
- 4) For requirements and thresholds established by the Building Division, see RMC Title 15 and associated referenced documents.
- 5) Nothing in this chapter shall prohibit the establishment of special regulations for specific nonconforming uses and structures regulated by other sections of the Redmond Community Development Guide. Such regulations may provide for the retirement or amortization of those specific uses and structures. (Ord. 2118)

### **20F.10.50-020 Definitions.**

- Move definitions to the definitions section of the code
- Alterations allows for the “enlargement” of a structure, amend to not allow this

~~For the purpose of this chapter, the following definitions apply:~~

- ~~1) “Demolish” means to remove more than 50 percent of the exterior walls of an existing building or structure, as measured by the linear length of the walls. Windows, doors and/or deteriorated wall sections are all considered part of a wall.~~
- ~~2) “Rebuild” means to undertake construction within and/or on an existing building which has a valid construction permit with construction value greater than 50 percent of the replacement cost of the existing building being rebuilt. The permit value is valid for a 12-month period beginning on the date of permit issuance.~~
- ~~3) “Alteration” means any change or rearrangement in the foundation or supporting members of an existing building, such as bearing walls, columns, beams, or girders, as well as any change in the means of ingress or egress (except to accommodate persons with disabilities), or any enlargement to a structure, whether horizontally or vertically. (Ord. 2118)~~

### **20F.10.50-030 Nonconforming Lots of Record.**

Lots of record that do not conform to the dimensional requirements of the Redmond Community Development Guide may be used as otherwise permitted if they were legally created and were in

conformance with the prior zoning code or were a legal nonconformance under that code. (Ord. 2118)

**20F.10.50-040 Continuance of Nonconformities.**

Nonconformities, as defined in Chapter ~~20A.60~~ 20A.20.140 RCDG, Definitions, may continue to be used and maintained in accordance with the provisions of this chapter. The use and maintenance is permitted as a result of vested rights obtained through the legal establishment of the nonconforming use or structure. (Ord. 2118)

**20F.10.50-050 Conditional Uses.**

Any use which was originally established in a zoning district by right and has since been reclassified as a conditional use in that district shall obtain approval through the conditional use review procedure as is required before the expansion of the use or any structure related to the use. (Ord. 2118)

**20F.10.50-060 Maintenance (Existing Code allows for the repair and maintenance of nonconforming structures)**

Ordinary maintenance and repair of a building containing a nonconforming use, such as painting or plumbing repair, shall be permitted as necessary to ensure the protection of general health, safety, and welfare. All nonconforming uses and structures are subject to all applicable property maintenance and substandard building laws.

**20F.10.50-070 Abandonment of Rights to Nonconformities.**

- 1) All rights to a nonconforming use are lost:
  - (a) If the use is changed, or
  - (b) If the use is abandoned for 12 months, or
  - (c) If the structure housing the nonconforming use is demolished or rebuilt as defined above.  
~~Rights to a nonconforming use may be maintained if the structure housing the nonconforming use is restored, per RCDG 20F.10.50-080, Restoration, or altered, per RCDG 20F.10.50-090(2), Alteration of a Nonconforming Use.~~
- 2) All rights to nonconforming parking shall be lost if the primary structure on the lot is demolished or rebuilt. Rights shall not be lost if a building is merely vacated for less than one year. (Ord. 2118)

**20F.10.50-080 Restoration.**

Any building containing a nonconforming use or any nonconforming structure may be repaired and restored to its nonconforming state if the need for repairs or restoration shall be the result of fire, explosion, earthquake, imminent public hazard, replacement of underground fuel tanks, vandalism or other accidental destruction. Such restoration shall comply with the following conditions:

- 1) Level of Restoration. The damaged use or structure may be repaired to the area and footprint of the previous use or structure. In the case of total destruction or need for underground fuel tank replacement, a new structure may be established to the same area or footprint of the previous use or structure. Alternatively, the structure may be built to a more conforming area or footprint.
- 2) Time Limit. The repairs must be commenced within one year of the event causing damage to the structure, and the repairs must be diligently pursued until completed. (Ord. 2118)

## **20F.10.50-090 Alteration or Expansion of a Nonconformance. (Proposed Edits)**

- 1) General. The alteration or expansion of a nonconformance is prohibited unless it does not increase the nonconformity, or unless it is specifically permitted through an official action as stated in RCDG 20F.30.15, Types of Review, or as stated below. The alteration or expansion of a nonconformance is prohibited for land uses and activities listed in RCDG 20D.140.50-030 and located in Wellhead Protection Zones 1 and 2.
- 2) Nonconforming Use. The expansion of a structure containing a nonconforming use is prohibited, ~~with the following exceptions.~~ A nonconforming use may be changed to a conforming use.
  - a) ~~Nonconforming Residential Uses:~~
    - (i) ~~General. A nonconforming residential use may not be expanded to create additional dwelling units.~~
    - (ii) ~~Single Family Dwellings. A single family dwelling on a single lot may be expanded up to 450 square feet of floor area.~~
    - (iii) ~~Duplex and Multifamily Dwellings. Two or more dwellings may be expanded up to 450 square feet of floor area per unit, provided that parking for all units is brought into conformance with existing regulations.~~
  - b) ~~A structure containing a nonconforming use may be altered, provided that nonconforming landscaping and pedestrian system improvements are brought into conformance per subsection (4) of this section.~~
- 3) Nonconforming Structures. A nonconforming structure may not be expanded or altered in any way so as to increase that nonconformity. A nonconforming structure shall be brought into full compliance with the Redmond Community Development Guide when alteration or expansion of the structure takes place and the following takes place within any three-year period:
  - a) The gross floor area of the structure is increased by 100 percent or more; or
  - b) The costs stated on all approved building permit applications for the structure equal or exceed the assessed value of the structure at the beginning of that three-year period.
- 4) Nonconforming Landscaping and Pedestrian System Area. A nonconforming landscaping or pedestrian system area shall be brought into compliance with RCDG 20D.80.10 and 20C.40.105 in accordance with the following:
  - a) ~~When improvements to the building or parking areas do not exceed \$12,000 on any lot in any three-year period, no improvements are required.~~ When the gross floor area of the structure is increased by 50 percent or more; or **(a percentage is needed)**
  - b) The costs stated on all approved building permit applications for the structure equal or exceed 50 percent of the assessed value of the structure at the beginning of that three-year period. ~~For improvements to the building or parking area which exceed \$12,000 on any lot in a three-year period;~~ The percentage (by value) of the required landscaping or pedestrian system, to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing lot improvements up to 100 percent. **(a percentage is needed)**
  - c) For the purposes of subsections (4)(a) and (b) of this section, improvements shall not include those improvements required by the City for health and safety reasons, nor ordinary repair and maintenance.

- d) The Technical Committee shall have the authority to specify the location and phasing sequence of the landscaping or pedestrian system improvements which fall under this section.
- 5) Nonconforming Parking. The following shall apply to uses with nonconforming parking:
- a) ~~Expansion of Conforming Residential Use with Nonconforming Parking.~~
    - (i) ~~No New Units. A conforming residential use with nonconforming parking may be expanded by up to 450 square feet, provided no new dwelling unit is created by the expansion. Any expansion beyond 450 square feet shall require the provision of one parking space for each 450 square foot addition not to exceed the total number of parking spaces required by current parking standards. However, for single family residential uses outside of parking impacted areas, no additional parking is required on lots with driveways 20 feet or more in length.~~
    - (ii) ~~New Units Added. A conforming residential use with nonconforming parking may be expanded to create additional conforming units only if the parking for all units, old and new, is brought into conformance with current parking standards.~~
  - b) ~~Expansion of Nonresidential Use with Nonconforming Parking. A conforming nonresidential use with nonconforming parking may be expanded or intensified, provided that parking is provided for the expansion or intensification in accordance with current parking standards. (Address the issue of parking in the Parking section of the code)~~

#### **20F.10.50-100 Alteration or Expansion of a Nonconformance in the Downtown**

- Delete this section
  - The proposal would retain provisions for nonconformances (single story retail structures) to make repairs, remodel, and replace the structure should it be lost to accidental destruction (See 20F.10.50-080)
  - Nonconforming structures would not be allowed to expand in size
  - A nonconforming use would have to be replaced with a conforming use if:
    - i) The use is changed, or
    - ii) The use is abandoned for 12 months
    - iii) The structure housing the nonconforming use is demolished or rebuilt (20F.10.50-070)
- 1) ~~Purpose. The City recognizes that some existing, vital businesses of value to the community in the Downtown may have been rendered nonconforming as a result of land use plan changes. The intent of this section is to encourage retention of existing businesses and to allow continued investment and upgrades to the business structures in the Downtown. Nonconforming uses except those located in Wellhead Protection Zones 1 and 2 listed in RCDG 20D.140.50-040 in the Downtown may expand as described below.~~
- 2) ~~This section applies to nonconformances in the Downtown in addition to RCDG 20F.10.50-090, Alteration or Expansion of a Nonconformance. In the case of a conflict, this section shall apply.~~
- 3) ~~Nonconforming Commercial, Institutional, or Park Use. Nonconforming commercial, institutional, and park uses in the Downtown neighborhood may expand and/or rebuild in conjunction with restoration per RCDG 20F.10.50-080 to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or~~

structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and pedestrian system improvements shall be brought into conformance with current standards per RCDG [20F.10.50-090\(4\)](#).

~~4) Nonconforming Industrial Uses.~~

~~a) General. Nonconforming industrial uses in the Downtown neighborhood not deemed unsafe, hazardous, unhealthful, or obnoxious due to noise, odor, air quality or visual blight may expand to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and pedestrian system improvements shall be brought into conformance with current standards as required by RCDG [20F.10.50-090\(4\)](#), Nonconforming Landscaping and Pedestrian System Area.~~

~~b) Outside Uses. Equipment and machinery associated with outside nonconforming uses may be relocated or altered, provided the equipment or machinery is not relocated any closer to the nearest residential district or street.~~

~~c) Volumes. Increased sales, production or output volume shall not be considered as an expansion, provided the use does not expand to occupy additional land or another building.~~

~~5) Change in Use to Another Nonconforming Use. A nonconforming use in the Downtown neighborhood may be changed to another nonconforming use if Type I review is granted as provided for in this title and provided:~~

~~a) A special building inspection is conducted to ensure the building conforms or is repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety.~~

~~b) The proposed change of use will provide a service or will be beneficial to the neighborhood, and will more closely conform to the zoning of the site than the existing use.~~

~~c) The proposed use is compatible with the goals of the design area as specified in RCDG Title 20B, Redmond Comprehensive Plan, and the zone in which it is located as specified in Chapter [20C.40](#) RCDG.~~

~~d) The proposed use is compatible with the surrounding uses. For example, compatible uses next to existing residential uses might include complementary retail services such as dry cleaning, pharmacies, cafes, newsstands, and hair salons. Incompatible uses in, and adjoining, areas designated for office and residential uses might include strip retail centers, and auto-oriented services or drive-through facilities.~~

~~e) The proposed use will not pose or create greater negative impacts than uses which are permitted within the design area or zone in which it is located.~~

~~f) The proposed use will not pose or create unsafe, unhealthful, or hazardous conditions upon surrounding properties.~~

~~(g) The proposed change is in accordance with Chapter [20D.140](#) RCDG, Critical Areas.~~

**20F.10.50-110 Abatement of Public Nuisances.**

Regardless of any provisions in this section, any nonconformance found to be a public nuisance shall be terminated. (Ord. 2118)

**20F.10.50-120 Prior Nonconformance.**

Any nonconformance which under the prior zoning ordinance was nonconforming and was required to terminate by a certain date shall continue to be subject to the amortization provisions of the prior zoning ordinance. (Ord. 2118)

**20F.10.50-130 Illegal Uses or Structures.**

Illegal uses or structures have no vested rights. Illegal uses and structures shall either be brought into legal conforming status or shall be removed. (Ord. 2118)